

U.S. Department of Justice



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SA
F.#2011R01313

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October 29, 2015

By ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Ibrahim Harun Hausa
Criminal Docket No. 12-134 (BMC)

Dear Judge Cogan:

The government writes, with consent of counsel for the defendant, to respectfully request a brief adjournment of the filing deadline for its motion, pursuant to Section 4 of the Classified Information Procedures Act (“CIPA”), due on Friday, October 30, 2015. On July 22, 2015, the Court entered an order on consent of the parties, requiring that the government “file any contemplated motion pursuant to Section 4 of CIPA” “[o]n or before October 30, 2015.” ECF #64. At the last status conference, the government advised that it had every expectation that it would be able to file its anticipated CIPA motion on October 30, 2015, as required by the Court; the government advised, however, that its only concern was with the potential unavailability of the head of the relevant agency or agencies (other than the Department of Justice or the Federal Bureau of Investigation) necessary to sign any other declaration provided in support of the government’s motion. See United States v. Aref, 533 F. 3d 72 (2d. Cir. 2008) (requiring that the state secret privilege be invoked by the head of the department with control over the matter, after actual personal consideration by that officer).

As of yesterday morning, the government had every expectation and assurance that the relevant declaration or declarations would be signed in advance of the filing deadline, but was subsequently informed that the head of a relevant agency would be unavailable to sign before the

deadline, due to travel commitments by that agency head today and tomorrow. In light of the above, the government respectfully requests a brief adjournment of the filing deadline to November 6, 2015.

Respectfully submitted,

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